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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,319	09/16/2003	Alexander Vincent Danilo	00169.002728	9258
5514 7590 03/21/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER DHINGRA, PAWANDEEP				
ART UNIT 2625		PAPER NUMBER		
MAIL DATE 03/21/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/662,319

Applicant(s)

DANILO, ALEXANDER VINCENT

Examiner

PAWANDEEP S. DHINGRA

Art Unit

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2, 6, 8 and 12 is/are pending in the application.
- 4a) Of the above claim(s) 16 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2, 6, 8 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

- This action is responsive to the following communication: Amendment after non-final rejection filed on 12/19/2007.
- Claim 16 have been added by the applicant.
- Claims 2, 6, 8, 12 and 16 are now pending in the present application.

Response to arguments

With respect to applicant's arguments filed 12/19/2007, have been fully considered but they are not persuasive.

Applicant argues, see page 8, that Politis fails to *"teach or suggest, among other features, providing a step for defining, in relation to visible regions of each said partly visible graphic object in the first set, one or more non-overlapping graphic objects being visually equivalent to the partly visible graphic object, in the second set"*.

In reply, the examiner asserts that it is clear from the disclosure of Politis that there are various methods for combining two different images together utilizing different operators. From the illustrations as shown in figures 4, 17, and 30-32 and column 13, line 18-column 15, line 10, it is apparent that the disclosure of Politis teaches defining, in relation to visible regions of each said partly visible graphic object in the first set (see figure 31), one or more non-overlapping graphic objects being visually equivalent to the partly visible graphic object, in the second set (note that element 101 of figure 30 overlaps the element 100 of figure 30 but has been expunged from the representation as shown in figure 31. However, element 106 of figure 32 has been shown to account for the intersection between the objects A & B of figure 31. As a result, element 106

can be clearly read to teach one or more non-overlapping graphic objects being visually equivalent to the partly visible graphic object).

Furthermore, applicant points to the disclosure of the instant application as presented in figures 4-5 and column 18, lines 7-23 to find support for the claims limitations as presented in independent claims but it is to be noted that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Hence, the disclosure of Politis can be read to sufficiently overcome the limitations as presented in the independent claims.

Election/Restrictions

Newly submitted claim 16 is directed to an invention that is independent or distinct from the invention originally elected in response to the election of species requirement made previously. Applicant elected species II which encompassed claims 2, 6, 8, and 12. Newly added claim 16 is directed towards species IV and hence cannot be combined with the elected invention of species II for the reasons given in the election of species filed on 07/05/2007.

Since applicant has received an action on the merits for the originally elected invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 16 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Drawing Objections

Previous objections to drawings are withdrawn in view of applicant's amendments to the drawings.

Claim Objections

Previous claim objections to claims are withdrawn in view of applicant's amendments to the claims.

Claim Rejections - 35 USC § 101

Previous 101 objections to claims are withdrawn in view of applicant's amendments to the claims.

Examiner Notes

Examiner cites particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 2, 6, 8, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Politis, US 5,724,494.

Re claim 2, Politis discloses a method of converting a representation of a first image (see abstract), having a first set of overlapping graphic objects, into a display list representation of a visually equivalent second image, having a second set of non overlapping graphic objects (see abstract, figure 3-4; column 2, lines 34-55), said method comprising the steps of: (a) categorizing each graphic object in the first set as being one of (i) a fully visible graphic object (see figures 4, 10-14, 17, 30-33), (ii) a partly visible graphic object (see figures 4, 10-14, 17, 30-33), and (iii) an invisible graphic object (see column 15, lines 5-10; column 17, lines 8-20; figures 4, 10-14, 17, 30-33); (b) defining, in relation to each said fully visible graphic object in said first set, a substantially identical graphic object in the second set (see column 12, line 10-column 15, line 10; column 8, lines 3-38; figures 4-9, 17, 30-33; claims 5-7); and (c) defining, in relation to visible regions of each said partly visible graphic object in said first set, one or more non-overlapping graphic objects being visually equivalent to the partly visible graphic object, in the second set (see column 12, line 10-column 15, line 10; figures 4,

17, 30-32; claims 5-7, note that element 101 of figure 30 overlaps the element 100 of figure 30 but has been expunged from the representation as shown in figure 31. However, element 106 of figure 32 has been shown to account for the intersection between the objects A & B of figure 31. As a result, the element 106 can be clearly read to teach one or more non-overlapping graphic objects being visually equivalent to the partly visible graphic object).

Re claim 6, Politis further discloses at least one of the first set of overlapping graphic objects and the second set of non-overlapping graphic objects are opaque (see column 2, lines 48-55; column 14, line 54 - column 16, line 44).

Re Claim 8, claim 8 recites identical features, as claim 2, except claim 8 is an apparatus claim. Thus, arguments made for claim 2 are applicable for claim 8.

Re Claim 12, claim 12 recites identical features, as claim 2, except claim 12 merely deals with executing the method of claim 2 on a computer. Thus, arguments made for claim 2 are applicable for claim 12.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAWANDEEP S. DHINGRA whose telephone number is (571)270-1231. The examiner can normally be reached on M-F, 9:30-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler L. Haskins can be reached on 571-272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. D./

Examiner, Art Unit 2625

/Twyler L. Haskins/

Supervisory Patent Examiner, Art Unit 2625

3/15/08